

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SWINOMISH INDIAN TRIBAL
COMMUNITY, a federally recognized
Indian Tribe,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a Delaware
corporation,

Defendant.

No. 2:15-cv-00543-RSL

STIPULATED MOTION AND ORDER
REGARDING TRIAL EVIDENCE

I. MOTION

Plaintiff Swinomish Indian Tribal Community and Defendant BNSF Railway Company (“BNSF”) submit this Stipulated Order Regarding Trial Evidence. On May 8, 2024, counsel for the Tribe and BNSF met and conferred regarding the parties’ respective potential motions in limine. One of the motions BNSF raised was to exclude evidence or arguments regarding BNSF’s relative size to the Tribe in terms of revenue, profit, or financial value as not relevant to the remaining issue before the Court and highly prejudicial to BNSF.

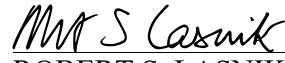
Having met and conferred on the issue, the parties stipulate that they will not introduce any evidence or argument about the size of the Tribe and will not compare the relative sizes of the Tribe and BNSF. Nor will the Tribe argue that the Tribe is entitled to a larger award because of BNSF’s size. The Tribe is not precluded from presenting evidence based on BNSF’s

publically filed company-wide financial information. Accordingly, BNSF will not file a motion in limine on this topic.

II. ORDER

THIS MATTER comes before the Court on Plaintiff Swinomish Indian Tribal Community and Defendant BNSF Railway Company's Stipulated Motion and Order Regarding Trial Evidence. Having reviewed the stipulated motion and the applicable law, the Court hereby GRANTS the stipulated order.

Dated this 17th day of May, 2024.


ROBERT S. LASNIK
United States District Court Judge

Presented by:

PACIFICA LAW GROUP LLP

By: /s/ Kai Smith

Paul J. Lawrence, WSBA #13557

Kai Smith, WSBA #54749

Meha Goyal, WSBA #56058

Attorneys for Defendant BNSF Railway

AGREED AS TO FORM

NOTICE OF PRESENTATION WAIVED:

TOUSLEY BRAIN STEPHENS PLLC

By: /s/ Rebecca L. Solomon

Christopher I. Brain, WSBA #5054

Rebecca L. Solomon, WSBA #51520

OFFICE OF THE TRIBAL ATTORNEY, SWINOMISH
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